IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

2:23-CV-80

IN RE: PHILIPS RECALLED CPAP,

Master Docket: Misc. No. 21-mc-1230-JFC

BI-LEVEL PAP, AND MECHANICAL

VENTILATOR PRODUCTS

MDL No. 3014

LITIGATION

SHORT FORM COMPLAINT FOR

This Document Relates to:

PERSONAL INJURIES, DAMAGES,

JAMES JUST

AND DEMAND FOR JURY TRIAL

Plaintiff(s) incorporate(s) by reference the Amended Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial filed in In re Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigation, MDL No. 3014, Master Docket Misc. No. 21-mc-1230 (the "Master Long Form Complaint"). This Short Form Complaint adopts the allegations, claims, and requested relief as set forth in the Master Long Form Complaint. As necessary herein, Plaintiff(s) may include: (a) additional claims and allegations against Defendants; and/or (b) additional claims and allegations against other Defendants not listed in the Master Long Form Complaint.

Plaintiff(s) further allege(s) as follows:

I. **DEFENDANTS**

- 1. Plaintiff(s) name(s) the following Defendants in this action:
 - Koninklijke Philips N.V.
 - Philips North America LLC.
 - Philips RS North America LLC.

		Philips Holding USA Inc.		
		Philips RS North America Holding Corporation.		
		Polymer Technologies, Inc.		
		Polymer Molded Products LLC.		
II.	PLA	INTIFF(S)		
	2.	Name of Plaintiff(s): James Just		
	3.	Name of spouse of Plaintiff (if loss of consortium claim is being made):		
	4.	Name and capacity (i.e., executor, administrator, guardian, conservator, etc.) of other Plaintiff, if any:		
	5.	State(s) of residence of Plaintiff(s) (if the Recalled Device user is deceased residence at the time of death): Washington		
III.	DESI	DESIGNATED FORUM		
	6.	Identify the forum (United States District Court and Division) in which the Plaintiff would have filed in the absence of direct filing: US District Court of Washington, Western District		

IV. USE OF A RECALLED DEVICE

7. Plaintiff used the following Recalled Device(s):

	1	
	E30 (Emergency Use Authorization)	Dorma 500
	DreamStation ASV	REMstar SE Auto
	DreamStation ST, AVAPS	Trilogy 100
	SystemOne ASV4	Trilogy 200
	C-Series ASV	Garbin Plus, Aeris, LifeVent
	C-Series S/T and AVAPS	A-Series BiPAP Hybrid A30 (not marketed
	OmniLab Advanced +	in U.S.)
	SystemOne (Q-Series)	A-Series BiPAP V30 Auto
X	DreamStation	A-Series BiPAP A40
	DreamStation Go	A-Series BiPAP A30
	Dorma 400	Other Philips Respironics Device; if other,
		identify the model:
V.	INJURIES	
		physical injuries as a result of using a Recalled ant symptoms and consequences associated
	COPD (new or worsening)	
	Asthma (new or worsening))
	Pulmonary Fibrosis	
	Other Pulmonary Damage/l	Inflammatory Response
	Cancer lung	(specify cancer)
	Kidney Damage	
	Liver Damage	

	Heart Damage		
	Death		
	Other (specify)		
CAI	JSES OF ACTION/D	AMACES	
9.	As to Koninklijke Fin the Master Long	Philips N.V., Plaintiff(s) adopt(s) the following claims asserted Form Complaint for Personal Injuries, Damages and Demand the allegations and prayer for relief with regard thereto, as set	
	Count I:	Negligence	
	Count II:	Strict Liability: Design Defect	
	Count III:	Negligent Design	
	Count IV:	Strict Liability: Failure to Warn	
	Count V:	Negligent Failure to Warn	
	Count VI:	Negligent Recall	
	Count VII:	Battery	
	Count VIII:	Strict Liability: Manufacturing Defect	
	Count IX:	Negligent Manufacturing	
	Count X:	Breach of Express Warranty	
	Count XI:	Breach of the Implied Warranty of Merchantability	
	Count XII:	Breach of the Implied Warranty of Usability	
	Count XIII:	Fraud	

VI.

Count XIV: Negligent Misrepresentation

X	Count XV:	Negligence Per Se
X	Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
X	Count XVII:	Unjust Enrichment
	Count XVIII:	Loss of Consortium
	Count XIX:	Survivorship and Wrongful Death
X	Count XX:	Medical Monitoring
X	Count XXI:	Punitive Damages
X	Count XXII:	Other [specify below]
	allegation, however	gal theories based upon the occurrences alleged are reserved for future plaintiff now asserts the right to prejudgment interest on all economic ate incurred until entry of judgment
As to asser	ted in the Maste	America LLC, Plaintiff(s) adopt(s) the following claims r Long Form Complaint for Personal Injuries, Damages and
As the asser Demas set	ted in the Master and for Jury Trial t forth therein:	r Long Form Complaint for Personal Injuries, Damages and l, and the allegations and prayer for relief with regard thereto,
As to asser Demons as set	ted in the Masternand for Jury Trial t forth therein:	r Long Form Complaint for Personal Injuries, Damages and
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As to asser Demas set	ted in the Masternand for Jury Trial t forth therein:	r Long Form Complaint for Personal Injuries, Damages and I, and the allegations and prayer for relief with regard thereto, Negligence
As trasser Demas set	ted in the Masternand for Jury Trial t forth therein: Count I: Count II:	r Long Form Complaint for Personal Injuries, Damages and I, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect
As the asser Demas set	ted in the Master and for Jury Trial to forth therein: Count I: Count II: Count III:	r Long Form Complaint for Personal Injuries, Damages and I, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design
As trasser Demas set	ted in the Masternand for Jury Trial to forth therein: Count I: Count II: Count III: Count IV:	r Long Form Complaint for Personal Injuries, Damages and I, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn
As to asser Demas set	ted in the Master and for Jury Trial torth therein: Count I: Count II: Count III: Count IV: Count IV:	r Long Form Complaint for Personal Injuries, Damages and I, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn
As to asser Demas set	ted in the Master and for Jury Trial t forth therein: Count I: Count II: Count III: Count IV: Count IV: Count V:	r Long Form Complaint for Personal Injuries, Damages and I, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Negligent Recall
As to asser Demas set X (X (ted in the Master and for Jury Trial torth therein: Count I: Count II: Count IV: Count V: Count VI: Count VI:	r Long Form Complaint for Personal Injuries, Damages and I, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Negligent Recall Battery

Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
allegation, howeve	egal theories based upon the occurrences alleged are reserved for future r plaintiff now asserts the right to prejudgment interest on all economic date incurred until entry of judgment
asserted in the Mast	orth America LLC, Plaintiff(s) adopt(s) the following claims or Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
Count I:	Negligence
Count II:	Strict Liability: Design Defect
Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn

Count V:	Negligent Failure to Warn
Count VI:	Negligent Recall
Count VII:	Battery
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]

All other specific legal theories based upon the occurrences alleged are reserved for future allegation, however plaintiff now asserts the right to prejudgment interest on all economic damages from the date incurred until entry of judgment

12.

in the Master Long	ng USA Inc., Plaintiff(s) adopt(s) the following claims asserted Form Complaint for Personal Injuries, Damages and Demand the allegations and prayer for relief with regard thereto, as set
Count I:	Negligence
Count II:	Strict Liability: Design Defect
Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn
Count V:	Negligent Failure to Warn
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Count VII:	Battery
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
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Count XII:	Breach of the Implied Warranty of Usability
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Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX	Medical Monitoring

Count XXI: **Punitive Damages** Count XXII: Other [specify below] All other specific legal theories based upon the occurrences alleged are reserved for future allegation, however plaintiff now asserts the right to prejudgment interest on all economic damages from the date incurred until entry of judgment 13. As to Philips RS North America Holding Corporation, Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein: Count I: Negligence Count II: Strict Liability: Design Defect Count III: Negligent Design Count IV: Strict Liability: Failure to Warn Count V: Negligent Failure to Warn Count VI: Negligent Recall Count VII: **Battery** Count VIII: Strict Liability: Manufacturing Defect Count IX: Negligent Manufacturing Count X: Breach of Express Warranty Count XI: Breach of the Implied Warranty of Merchantability Count XII: Breach of the Implied Warranty of Usability Count XIII: Fraud Count XIV: Negligent Misrepresentation

Negligence Per Se

Count XV:

Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
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asserted in the Ma	
asserted in the Ma Demand for Jury T as set forth therein:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto.
Serted in the Ma Demand for Jury T as set forth therein: Count I:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto,
sserted in the Ma Demand for Jury T s set forth therein: Count I: Count II:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto, Negligence
Asserted in the Mademand for Jury That is set forth therein: Count I: Count II: Count II:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect
Served in the Mademand for Jury That set forth therein: Count I: Count II: Count III: Count IV:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design
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Asserted in the Man Demand for Jury That set forth therein: Count I: Count II: Count IV: Count IV: Count V:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn
Asserted in the Mathemand for Jury That is set forth therein: Count I: Count II: Count III: Count IV: Count IV: Count V: Count V: Count VIII:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect
asserted in the Ma	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect Negligent Manufacturing
asserted in the Ma Demand for Jury T as set forth therein: Count I: Count II: Count IV: Count V: Count VIII: Count IX: Count IX:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect Negligent Manufacturing Fraud

Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
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Count I:	Negligence
Count II:	Strict Liability: Design Defect
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Count V:	Negligent Failure to Warn
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
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Count XVII:	Unjust Enrichment
Count XVII:	Unjust Enrichment Loss of Consortium

	Count XXI: Punitive Damages
	Count XXII: Other [specify below]
	All other specific legal theories based upon the occurrences alleged are reserved for future allegation, however plaintiff now asserts the right to prejudgment interest on all economic damages from the date incurred until entry of judgment
16.	If additional claims against the Defendants identified in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial are alleged above, the additional facts, if any, supporting these allegations must be pleaded. Plaintiff(s) assert(s) the following additional factual allegations against the Defendants identified in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial:
17.	Plaintiff(s) contend(s) that additional parties may be liable or responsible for Plaintiff(s)' damages alleged herein. Such additional parties, who will be hereafter referred to as Defendants, are as follows (must name each Defendant and its citizenship):

18. Plaintiff(s) assert(s) the following additional claims and factual allegations against other Defendants named in Paragraph 16 above:

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial and any additional relief to which Plaintiff(s) may be entitled.

Date: Jan 17 2023

s/ Jeffrey A. Bowersox

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